

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Criminal Department, Central Division</b>		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE PENALTY PHASE OF A CAPITAL CASE- 4TH DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b> Court Clerk: <b>B. Graves/ W. Anderson</b> Reporter/Tape: <b>K. Garcia, D. Dedmon</b> Bailiff: <b>H. Franco, P. Bellefeuille, B. Ortiz</b>		Date: <b>June 24, 2005</b>
		Department: <b>53</b> Time: <b>9:00 a.m.</b>

Plaintiff: <b>THE PEOPLE OF THE STATE OF CALIFORNIA</b> Defendant: <b>Marcus Delon Wesson</b>	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Public Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
--	---	--	--

Pursuant to adjournment of June 23, 2005, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Court Reporter, Kristi Garcia is present at 9:00 a.m.

Outside the presence of the jury, The Court states that a Jury Instruction Conference was held on June 23, 2005 and the respective parties have agreed on the jury instructions to be given to the jury.

Media requests are denied at this time. The previous media orders remain in full force and effect.

The Jury enters the courtroom at 9:04 a.m. and the Penalty Phase resumes.

The Court instructs the jury on the law applicable in this case beginning at 9:05 a.m. and concludes with the second phase of the instructions at 9:52 a.m.

The Court admonishes the jury and stands in recess at 9:52 a.m.

Outside the presence of the jury, " In Chambers" conference is held at 10:07 a.m. with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;

- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

All parties are present

Lisa Gamoia, Chief Deputy District Attorney, begins closing arguments on behalf of the People beginning at 10:15 a.m.

In open court at 10:17 a.m. Marcus Delon Wesson states that he has fired his attorneys and requests a Marsden Hearing. The jury is removed from the courtroom and the courtroom is cleared.

A Marsden Hearing is conducted 10:21 a.m. and the Court orders that the transcript be sealed. Marsden Motion is denied.

The jury returns to the courtroom at 10:43 a.m. and Lisa Gamoian, Chief Deputy District Attorney, continues with closing arguments on behalf of the People beginning at 10:43 a.m.

The Court admonishes the jury and the jury stands in recess at 11:16 a.m.

Outside the presence of the jury at 11:16 a.m., Lisa Gamoian, Chief Deputy District Attorney, requests the ruling on the Marsden Motion. The Court informs Ms. Gamoian that the motion was denied.

The Court stands in recess at 11:17 a.m.

The jury returns to the courtroom at 11:30 a.m. and Lisa Gamoian, Chief Deputy District Attorney, continues with closing arguments on behalf of the People beginning at 11:30 a.m. and concludes at 12:10 p.m.

The Court admonishes the jury and the jury stands in recess at 12:10 p.m.

The jury returns to the courtroom at 2:08 p.m. and all parties are present. Deputy Henry Franco informs the Court that Juror # 5 became seriously ill at lunch time and went home.

The Court admonishes the jury and adjourns at 2:10 p.m. until June 27, 2005 at 9:00 a.m. , Court also instructs respective counsel to be present at 9:00 a.m. on June 27, 2005 for an "In Chambers Conference".

The defendant remains remanded to the custody of the Sheriff pending the next hearing date.

-oOo-